

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**CYRUS R. SANDERS,**  
**Plaintiff**

**v.**

**EMANUEL ROSE, et al.,**  
**Defendants**

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**CIVIL NO. 1:10-CV-01241**

**(Judge Kane)**

**ORDER**

**AND NOW**, this 8th day of February 2016, upon consideration of Defendants' Motion to Dismiss (Doc. No. 113), and for the reasons stated in the accompanying memorandum, **IT IS HEREBY ORDERED THAT** the Motion (Doc. Nos. 113) is **GRANTED IN PART AND DENIED IN PART** as follows:

- 1) Plaintiff's claim of excessive use of force is hereby **DISMISSED** as to all Defendants except Officers Rose, Cryder, Brant, Throne, Lehman, and the Unknown Officers;
- 2) Defendants' motion to dismiss is hereby **DENIED** as to Plaintiff's retaliation claim;
- 3) Plaintiff's claim that Defendants failed to intervene in the assault is hereby **DISMISSED** as to all Defendants except Officers Cryder, Brant, Throne, Lehman, and the Unknown Officers;
- 4) Defendants' motion to dismiss is hereby **DENIED** as to Plaintiff's claims of substantive and procedural due process violations resulting from the November 2, 2009 misconduct hearing;
- 5) Plaintiff's claim regarding the seizure of his mail is hereby **DISMISSED** as to all Defendants;
- 6) Plaintiff's claim regarding the inadequacy of the prison grievance procedure is hereby **DISMISSED** as to all Defendants;

7) Defendants shall file an answer to the remaining claims in the complaint within twenty (20) days of the date of this order.

S/ Yvette Kane  
YVETTE KANE  
U.S. District Judge  
U.S. District Court  
Middle District of Pennsylvania